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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-third session
Agenda item 10 (a)

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

QUESTION OF HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 August 1991]

DETENTION OF VIETNAMESE ASYLUM SEEKERS IN HONG KONG

1. Human Rights Advocates has been concerned over the continued administrative detention of asylum seekers, particularly Vietnamese "boat people" in Hong Kong. Such arbitrary detention violates human rights articulated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other pertinent instruments.

2. Arbitrary detention of asylum seekers has been noted with concern by the Special Rapporteur, Mr. Louis Joinet, in the report on the practice of administrative detention (E/CN.4/Sub.2/1990/29).

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3. The use of detention in order to deter asylum seekers from seeking shelter in a potential country of asylum is unlawful and wholly inconsistent with international standards for the protection of refugees.

4. The policy of detaining asylum seekers has been in place in Hong Kong for over three years. Currently, approximately 60,000 Vietnamese asylum seekers are detained under harsh and degrading prison-style conditions, many for years, without justified cause.

5. Human Rights Advocates also notes with concern that the Hong Kong policy affects several thousand unaccompanied minors and other vulnerable individuals who must wait years prior to their status-determination procedures are begun. In his opening remarks to this session of the Sub-Commission, Mr. Jan Martenson, Under-Secretary-General for Human Rights, suggested that comments on agenda items be relevant to the rights of the child. We urge that this be done regarding detention of asylum-seeker children, those with family members or unaccompanied.

6. Human Rights Advocates commends the establishment of a working group on arbitrary detention (E/CN.4/1991/42), and requests that the group make specific reference to asylum seekers.